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Please type a plus sign (+) inside this box → PTO/SB/05 (03-01)  
Approved for use through 10/21/2002. OMB 0651-0032  
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<b>UTILITY</b>		<b>Attorney Docket No.</b>	47097-01106USC1
<b>PATENT APPLICATION</b>		<b>First Inventor</b>	Gary R. DelDuka et al.
<b>TRANSMITTAL</b>		<b>Title</b>	Modified Atmosphere Packages and Methods for Making the Same
(Only for new nonprovisional applications under 37 CFR 1.52(b))		<b>Express Mail Label No.</b>	EL722095636US

<b>APPLICATION ELEMENTS</b>		<b>ADDRESS TO:</b>	Assistant Commissioner for Patents Box Patent Application Washington, DC 20231
See MPEP chapter 600 concerning utility patent application contents.			
<p>1. <input checked="" type="checkbox"/> Fee Transmittal Form (e.g., PTO/SB/17) (Submit an original, and a duplicate for fee processing)</p> <p>2. <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.</p> <p>3. <input checked="" type="checkbox"/> Specification [Total Pages 41] (preferred arrangement set forth below) - Descriptive title of the Invention - Cross References to Related Applications - Statement Regarding Fed sponsored R &amp; D Invention - Reference to sequence listing, a table, or a computer program listing appendix - Background of the Invention - Brief Summary of the Invention - Brief Description of the Drawings (if filed) - Detailed Description - Claim(s) - Abstract of the Disclosure</p> <p>4. <input checked="" type="checkbox"/> Drawing(s) (35 USC 113) [Total Sheets 27]</p> <p>5. <input checked="" type="checkbox"/> Oath or Declaration [Total Pages 3] a. <input type="checkbox"/> Newly executed (original or copy) b. <input checked="" type="checkbox"/> Copy from a prior application (37 CFR 1.63(d)) (for continuation/divisional with Box 18 completed) i. <input type="checkbox"/> DELETION OF INVENTOR(S) Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).</p> <p>6. <input type="checkbox"/> Application Data Sheet. See 37 CFR 1.76</p>			
<p>7. <input type="checkbox"/> CD-ROM or CD-R in duplicate, large table, Computer Program (Appendix)</p> <p>8. Nucleotide and/or Amino Acid Sequence Submissions (if applicable, all necessary)</p> <p>a. <input type="checkbox"/> Computer Readable Form (CRF)</p> <p>b. Specification Sequence Listing on: i. <input type="checkbox"/> CD ROM or CD-R (2 copies); or ii. <input type="checkbox"/> paper</p> <p>c. <input type="checkbox"/> Statement verifying identity of above copies</p>			
<b>ACCOMPANYING APPLICATION PARTS</b>			
<p>9. <input checked="" type="checkbox"/> Assignment Papers (cover sheet &amp; document(s))</p> <p>10. <input checked="" type="checkbox"/> 37 CFR 3.73(b) Statement <input checked="" type="checkbox"/> Power of Attorney (when there is an assignee)</p> <p>11. <input type="checkbox"/> English Translation Document (if applicable)</p> <p>12. <input type="checkbox"/> Information Disclosure Statement (IDS)/PTO-1449 <input type="checkbox"/> Copies of IDS Citations</p> <p>13. <input checked="" type="checkbox"/> Preliminary Amendment</p> <p>14. <input type="checkbox"/> Return Receipt Postcard (MPEP 503) (Should be specifically itemized)</p> <p>15. <input type="checkbox"/> Certified Copy of Priority Document(s) (if foreign priority is claimed)</p> <p>16. <input type="checkbox"/> Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.</p> <p>17. <input checked="" type="checkbox"/> Other Check in the amount of \$854.00</p>			

18. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

Continuation  Divisional  Continuation-in-part (CIP) of prior application No. 09/915,150, filed July 25, 2001

Prior application Information: Examiner Unassigned Group/Art Unit 1761

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

**19. CORRESPONDENCE ADDRESS**

23.932

Customer Number or Bar Code Label or  New correspondence address below

(Insert Customer No. or Attach bar code label here)

<b>NAME</b>	Ronald B. Cooley		
<b>ADDRESS</b>	Jenkins & Gilchrist		
1445 Ross Avenue, Suite 3200			
<b>CITY</b>	Dallas	<b>STATE</b>	TX
<b>COUNTRY</b>	USA	<b>TELEPHONE</b>	312 425-3900
Name (Print/Type)	John C. Catz	Registration No. (Attorney/Agent)	41.774
Signature	John C. Catz		
	Date	September 27, 2001	

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

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# FEE TRANSMITTAL

## for FY 2001

Patent fees are subject to annual revision

TOTAL AMOUNT OF PAYMENT

(\$ 854.00)

Complete if Known	
Application Number	Unknown
Filing Date	September 27, 2001
First Named Inventor	Gary R. DelDuca et al.
Examiner Name	Unknown
Group Art Unit	1761

Attorney Docket Number 47097-01106USC1

## METHOD OF PAYMENT (check one)

## FEE CALCULATION (continued)

1.  The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:Deposit Account Number **10-044747097-01106USC1**Deposit Account Name **Jenkens & Gilchrist** Charge Any Additional Fee Required

Under 37 CFR 1.16 and 1.17

 Applicant claims small entity status.

See 37 CFR 1.27

 Payment Enclosed: Check  Credit card  Money Order  Other

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity Small Entity

Fee Code (\$)	Fee	Fee Code (\$)	Fee	Fee Description	Fee Paid
101	710	201	355	Utility filing fee	<b>710.00</b>
106	320	206	160	Design filing fee	
107	490	207	245	Plant filing fee	
108	710	208	355	Reissue filing fee	
114	150	214	75	Provisional filing fee	
<b>SUBTOTAL (1)</b>				<b>(\$ 710.00)</b>	

## 2. EXTRA CLAIM FEES

Fee from below				Fee Paid
Total Claims 30 - 20 =	10	X	18.00	= <b>144.00</b>
Independent 2 - 3 =	0	X	80.00	= <b>0.00</b>
Claims				

Multiple Dependent Claims  X =

Large Entity Small Entity

Fee Code (\$)	Fee	Fee Code (\$)	Fee	Fee Description
103	18	203	9	Claims in excess of 20
102	80	202	40	Independent claims in excess of 3
104	270	204	135	Multiple dependent claim, if not paid
109	80	209	40	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent
<b>SUBTOTAL (2)</b>				<b>(\$ 144.00)</b>

\*\* or number previously paid, if greater; For Reissues, see above

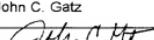
## 3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Code (\$)	Fee	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for ex parte reexamination	
112	920	112	920	Requesting publication of SIR prior to Examiner action	
113	1,840	113	1,840	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	390	216	195	Extension for reply within second month	
117	890	217	445	Extension for reply within third month	
118	1,390	218	695	Extension for reply within fourth month	
128	1,890	228	945	Extension for reply within fifth month	
119	310	219	155	Notice of Appeal	
120	310	220	155	Filing a brief in support of an appeal	
121	270	221	135	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,240	241	624	Petition to revive - unintentional	
142	1,240	242	624	Utility issue fee (or reissue)	
143	440	243	224	Design issue fee	
144	600	244	300	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Processing fee under 37 CFR 1.17(q)	
126	180	126	180	Submission of Information Disclosure Statement	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	710	246	355	Filing a submission after final rejection (37 CFR 1.129(a))	
149	710	249	355	For each additional invention to be examined (37 CFR 1.129(b))	
179	710	279	355	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	
Other fee (specify) _____				<b>SUBTOTAL (3)</b>	<b>(\$)</b>

\* Reduced by Basic Filing Fee Paid

## SUBMITTED BY

Complete (if applicable)

Typed or Printed Name	John C. Gatz	Registration No. (Attorney/Agent)	41,774	Telephone	312.425.3900
Signature				Date	September 27, 2001

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